



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of J.V., Department of  
Corrections

CSC Docket No. 2021-46

Discrimination Appeal

**ISSUED: MARCH 26, 2021 (SLD)**

J.V., a Senior Correctional Police Officer, Department of Corrections (DOC), appeals the determination of the Commissioner which found that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant, a female, filed a complaint with the Equal Employment Division (EED) alleging that she was discriminated against due to her sex/gender and disability. Specifically, she asserted that two male supervisors, R.M. and T.H. failed to provide her with a safe, secure and clean location to breast pump during her assigned duties of transporting inmates and that when she asked for assistance in finding locations, they “pushed back” and told her it was a “personal matter” and for her to “handle it on [her] own.” The appellant explained that although she was provided rooms, the rooms were not always readily available and/or clean, and that she would have to clean it first. For example, the appellant asserted that on January 22, 2020, when she arrived at the inmate drop off location, she was told that the building normally used for pumping had a “bird problem” and instead she had to “hike” to the Sergeant’s office to pump in the bathroom while standing. She also claimed that on another occasion, she was forced to express milk in her car while on a detail at Fort Dix. The appellant also complained that some supervisors refused to provide her with a control number after she submitted a “Special” report.

In response, the EED conducted an investigation which included an analysis of relevant documentation and interviews. The EED found that although the

appellant's allegations touched upon the State Policy, a violation of the State Policy could not be substantiated. Specifically, the EED found that the appellant indicated that she initially chose to express milk in locker rooms and bathrooms as she was familiar with those areas. Moreover, the investigation determined that the appellant had failed to notify the administration (those designated as the liaisons for any breastfeeding issues) of any problems with the assigned lactation spaces. However, instead, the appellant notified her superiors of her concerns with some of the designated areas, who, after being notified, offered her alternate spaces and they had the designated spaces cleaned and treated for pests. With regard to the appellant's claim regarding Fort Dix, the EED noted that there was a designated and appropriate location room available five minutes away at Mid-State Correctional Facility if she had made the administration aware that it would be needed while on the detail.

The EED also found that the investigation did not reveal that there was "push back" when she asked for assistance. Rather, the investigation revealed that the appellant's supervisors immediately looked into her concerns and made other accommodations, as appropriate, when she asked. The EED noted that R.M. appropriately declined to write a memo after the appellant requested permission to express milk in a location outside the secured perimeter, when she did not wish to use the lactation room within the secured perimeter. The EED maintained that its investigation revealed that the appointing authority had a proper and appropriate procedure for providing nursing mothers with appropriate locations for expressing milk at DOC facilities.

With regard to the appellant's allegations concerning the "Special" report, the EED indicated that the investigation revealed that proper procedures had been followed. Specifically, it noted that the individuals the appellant claimed did not provide her with a control number when she requested it, did not have access to that information. In this regard, the log book for recording the reports was kept in R.M.'s locked office, and the supervisors she submitted the reports to did not have access to that office at the time she submitted them. Therefore, a control number could not be immediately provided. However, the appellant was subsequently provided with the control number.

On appeal, the appellant reiterates her complaints and argues that R.M. and T.H. should be held accountable for "intentionally doing harm" to her by not providing the list of lactation rooms to her. Moreover, she maintains that she was never provided with a list of the lactation rooms until the EED provided her with it. Additionally, she disputes that she expressed milk in locker rooms and bathrooms due to her preference. With regard to Fort Dix, she maintains that she had no choice but to express milk in her car as she was never provided with a list of lactation rooms. Further, she maintains that she should not have to notify her supervisors daily of her need as she had notified them upon her return to work. Furthermore, she maintains

that she could not contact administration as that would have been outside her chain of command.

The appellant also disputes that she requested that R.M. write a memo for her. She maintains that it was her road supervisor who made the request, on her behalf, as she could not go outside the chain of command to contact R.M. directly. The appellant asserts that neither T.H. nor R.M., the primary and secondary contact on the lactation room list, provided her with a list of the lactation rooms. The appellant asserts that she “feels it was purposely not provided” to her. Further, she maintains that on one occasion she was not allowed to submit a special while on duty and instead had to submit it on her personal time.

In response, the EED indicates that it stands by its investigation and determination letter.

### CONCLUSION

Initially, *N.J.A.C.* 4A:7-3.1(a)3 provides that it is a violation of the State Policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. *N.J.A.C.* 4A:7-3.1(a)3 further provides that the policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development. *N.J.A.C.* 4A:7-3.2(m)4 provides that the burden of proof in State Policy appeals lies with the appellant.

The Civil Service Commission (Commission) has conducted a review of the record in this matter and finds that an adequate investigation was conducted, and that the investigation failed to establish that the appellant was discriminated against due to his age in violation of the State Policy. The EED appropriately analyzed the available documents and interviewed the witnesses in investigating the appellant’s complaints and concluded that there was no violation of the State Policy. The appellant argues that the R.H. and T.M. intentionally harmed her by not providing her with the list of lactation rooms. However, the EED’s investigation did not find that the list of lactation rooms was intentionally withheld from the appellant in violation of the State Policy. Moreover, the record indicates that she was provided with a room to express milk, and when she indicated that it was not clean and/or had pests, she was provided with alternative locations. Further, there is no evidence in the record that the issue she had with the “Special” reports was based in any way on

her membership in a protected category. Accordingly, the investigation was thorough and impartial, and no basis exists to find a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 24<sup>TH</sup> DAY OF MARCH, 2021

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
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